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THE CHEROKEE-FREEDMEN STORY: WHAT THE MEDIA SAW

By Ronald D. Smith, American Indian Policy & Media Initiative, Buffalo State College



National media and U.S.-based international journalists were watching in Oklahoma on the first weekend in March 2007, as voters in the Cherokee Nation decided issues of citizenship. The news reporters looked at the same situation and often talked with the same people. But they didn't always see the same story.

Some journalists saw the Cherokee-Freedmen story as one about civil rights of African Americans, an issue of race, rights and justice. Some saw it as being about Cherokee sovereignty or about Indian identity and how that is determined.

Few saw it as the case of two distinct and mixed disenfranchised groups pitted against each other 100 years ago by the federal government that had little interest in either side, a struggle that is still being played out today.

Fewer still saw it as a complicated story rooted in the importance of lineage within a wider society in which lineage does not have the political weight it does in Native America.

RESEARCH METHODOLOGY

This research is an analysis of coverage of a news event that focused on the historical and contemporary relationship between one tribal nation and a closely related group of African Americans, generally as told through the eyes of the mainstream media. This focus is important because it is through mainstream media that most Americans get their information about Indians, unlike other issues in which people may have more direct personal experience.

The research questions included:

- How did mainstream news media present their coverage of the Cherokee-Freedmen story? Particularly, how did they deal with sometimes competing issues such as the governmental sovereignty of the Cherokee Nation and the status and rights of the Freedmen?
- What news sources did the mainstream media rely on in their coverage of the story? Specifically, what was the balance between sources on either side of the issue?

The research involves a content analysis of 26 general news reports, including print reports from a seven-day period (March 1-8, 2007) and broadcast transcripts for an 11-day period (February 27 – March 10, 2007). The artifacts examined were headlines and full text of news articles retrieved through online databases from newspapers, broadcast news and wire services. Excluded from the statistical analysis of the articles, but held for later comparison and analysis, are two categories of media reports: opinion (editorials, commentaries, online columns and blogs) and ethnic media (Indian newspapers and black publications).

The content analysis addressed several aspects of the reporting:

- Headlines, and their linguistic hook to attract readers
- Leads, and the information they highlighted
- Quoted news sources, particularly their affiliation and vested interest in the story

- Statistical information about the vote, including raw numbers, percentages, and number of voters
- Use of “racist” and associated/derivative terms
- Use of “sovereign” and associated/derivative terms
- Presentation of a historical context for the story, including information about slavery, treaties and the Dawes Rolls
- Presentation of information about money, gaming, benefits and other financial aspects of the story

The content analysis was conducted March 10-15, 2007, by Ronald D. Smith, communication professor at Buffalo State College and director of the American Indian Policy and Media Initiative based there.

THEORETICAL BASE

Three concepts from communication theory underlie this research: agenda-setting, priming and framing.

The *agenda-setting* theory argues that the mass media, while perhaps not effective in determining how audiences will accept the opinions and point of view in media reports, will nevertheless determine what audiences see as newsworthy. In layman's terms, agenda-setting means that the media may not be able to tell us what to think, but they can tell us what to think about. By the issues they choose to cover and the way those issues are framed, the news media can legitimize a story or some aspect of that story. Conversely, the reporting style also can marginalize aspects of a story. The relevant question within the Cherokee-Freedmen story is how the media placed issues such as racism, sovereignty and historical context on the audiences' agenda.

A related theoretical concept is *priming*. This deals with context. The observation is that the amount of time and space that media devote to an issue make an audience receptive and perhaps alert the audience to particular themes. For example, prior coverage of civil rights, particularly denial of voting rights, may have prepared audiences to see the Cherokee-Freedmen story in that light. Likewise, the story-telling is impacted by the historical context that is known to journalists and audiences alike.

Whereas agenda-setting deals with the perceived newsworthiness of an issue, *framing* focuses on the presentation of the story. How do the news media frame a story? Is there an inherent “good guy” in the story? Whose version of the story gets top billing? Which version becomes the standard against which other points of view are measured? Framing provides for a rhetorical analysis of the text, in this case news reports, to identify perception and/or presentation.

Framing has been called an exercise in power and persuasion. It involves the use of metaphor, spin, story-telling, jargon, word choice, and other narrative elements. The relevant issue to the Cherokee-Freedmen story is the context in which the media reports placed various elements. These include the mixed-race Cherokee community and the convoluted history of both the Cherokee Indians and the Freedmen. The Freedmen group itself is a mixed group that includes people with Cherokee lineage, other Indian lineage, black lineage and white lineage, of de-

RESEARCH REPORT
MARCH 2007

scendants of slaves once held by the Cherokee as well as descendants of black slaves held by others.

BACKGROUND

Cherokee Nation, with 260,000 enrolled members, is the second largest Indian tribe in the U.S. When European settlers began to arrive, the Cherokee people resided in the area of the Smokey Mountains and what is now Kentucky, Tennessee, Georgia and the Carolinas. Through contact and intermarriage with the settlers, the Cherokee adopted many white practices and became identified as one of “The Five Civilized Tribes.” Among the practices incorporated by wealthy Cherokee was the cultivation of farms, along with the dependence on black slaves.

Congress passed the Indian Removal Act in 1830 to move all Indian to the west of the Mississippi. In 1838, the Cherokee, including their black slaves, were relocated to Oklahoma Territory in what came to be known as “The Trail of Tears,” the forced march of thousands of people.

In 1866, the federal government signed a treaty with the Confederate States of the Cherokee Nation, a name reflecting of the tribe’s alignment during the Civil War. The treaty required the tribe to absorb its former slaves who had been freed by tribal decree before the war ended – as well as other blacks living in Indian Territory – as citizens of the Cherokee Nation. In return, Washington recognized the Cherokee as a sovereign nation.

Congress created the Dawes Commission, which from 1899 to 1906 conducted a census that identified Cherokees as either entirely or part Indian or as Freedmen, who may or may not have had any Cherokee lineage.

In 1975, the Cherokee Constitution provided citizenship for Cherokees (as well as Delaware and Shawnee Indians adopted into the tribe) identified on the Dawes Rolls. The provision was interpreted as expelling many descendants of the Freedmen. In March 2006, the Cherokee Nation Supreme Court ruled that the citizenship language in the constitution was too vague to exclude Freedmen and that the nation could vote on the issue. A special election was called to amend the constitution to limit citizenship to those who are “Cherokee by blood” (descendants of those whom the Dawes Commission had identified as Indian) and rescinded citizenship for those descended solely from persons whom the commission listed as Intermarried Whites or as Freedmen.

Opponents of the proposed amendment appealed to federal court, and in February 2007 a federal judge in Washington ruled that the amendment vote could continue. At that time, about 2,700 Freedmen were on the tribal rolls, with estimates of 42,000 non-enrolled descendants of the original Freedmen.

The vote was held March 3, 2007. Turnout among the nation’s 45,000 registered voters was higher than usual for tribal elections, with 8,743 votes cast: 6,702 to accept the amendment (76.8%), 2,041 (23.3%) to reject it.

MEDIA COVERAGE

The scope of this study is how the news media reported on the March 3 vote. The vote was widely covered by mainstream media, including newspapers, wire services and broadcast media. The Association Press had frequent updates on the day of the vote, reporting the adjustments in the tally as the votes were reported. Wire services sent the story around the world.

HEADLINES

Headlines in articles prior to the vote tended to be neutral: “Cherokee Tribe Faces Decision on Freedmen” (Morning Edition, NPR), “Putting to a Vote the Question ‘Who Is Cherokee?’” (The New York Times), “Cherokees to Vote: Can Freedmen Be Native American?” (Voice of America News), “Cherokees to Vote on Bloodlines” (Washington Times).

After the vote, some of the headlines remained neutral: “Cherokees Vote to Cut Members” (Albany Times Union), “Cherokee Vote on Membership Issue” (Birmingham News).

Some reported the outcome of the vote in factual, non-emotional terms: “Slave Descendants Lose Tribal Status” (The New York Times), “Tribe Votes to Remove Freedmen Descendants; Cherokee Nation Limits Membership to Indian Blood” (The Daily Oklahoman).

However, other headlines used language with more emotion-laden content: “Tribe Revokes Freed Slaves’ Membership” (Associated Press Online), “Cherokee Vote Revokes Membership of 2,800” (Cleveland Plain Dealer), “Slave Descendants Ousted by Cherokees” (Associated Press Online), “Cherokee Kick Out Freedmen” (Tulsa World). International media showed a particular penchant for emotion-rich language: “Cherokees Disown Slave Descendants” (The Australian); “Cherokees Accused of Racism by Black Tribesmen” (The Scotsman), “Cherokees Accused of Racist Plot as Sons of Slaves Are Cast Out” (The Times of London”).

The Day 2 follow-up stories generally had a future slant: “A Legal Battle: Cherokee Freedmen to Fight for Inclusion” (ABC News), “Cherokee Freedmen to Fight for Inclusion” (USA Today), “What Will Happen to Freedmen?” (The Daily Oklahoman), “Future Uncertain for Cherokee’s Freedmen Descendants after Vote to Drop Them from Tribe” (The America’s Intelligence Wire, AP Worldstream), “Black Cherokees to Challenge Ouster from Tribe” (Reuters).

Online reports, columns and blogs also addressed the issue with headlines such as “Cherokees Vote Descendants of Slaves Off Tribal Rolls” (Huffington Post), “Someone Is Gonna Be Red in the Face” (Political Cortex), “Resurgent Racism” (The Washington Times column), “Cherokee Voters Say ‘Yes’ to Self-righteous Racism” (Meadville KS Tribune column), “Black Cherokees to Fight Ouster From Tribe” (Monsters and Criticks.com), “The Cherokee Nation’s ‘Ethnic Cleaning’ Is Not Acceptable” (ER Shipp blog), “A New Twist on the ‘One Drop’ Rule” (Just Democracy blog), “Cherokee ‘Nation’ Is Racist: Where’s the Outrage?” (Canadian Sentinel blog).

Black media and columnists tended to be direct: “Cherokee Nation Ousts Blacks” (New America Media), “It’s All about Money, Political Clout” (column in Bradenton FL Herald), “Saying No to Blacks” (History News Network).

Indian media reports were mixed. Some were neutral: “Cherokees Vote to Revoke Membership of Freedmen” (Indian Country Today), “Cherokee Nation Special Election Results” (Native American Times). Some reporting was critical of the Cherokee decision: “Racism and the Cherokee Nation” (Taino online), “Cherokee Nation Ignores Own Treaty” (Indianz.com column), “Cherokee Nation Takes the Lower Road” (Indianz.com column), “Ouster of Freedmen a Low Point for Cherokees” (Indianz.com editorial).

VOTE COUNT

Most of the reports did not give the specific vote count. Fifteen articles (58%) reported that the amendment passed with 77% support. Only five articles (19%) reported the number of votes cast, either for and against or in total. None calculated the percentage of voter turnout.

Despite the fact that the voter turn-out represented less than 3.4% of the Cherokee population and about 19% of the nation's registered voters, this was not considered a newsworthy fact by most media reports. One report noted that turnout was greater than in most elections. None reported that this was the first single-item topic ever on the ballot, and that the lack of candidates or other issues on the ballot may have affected the turn out.

Additionally, none of the article pointed out that enrolled Freedmen were among the registered voters.

NEWS SOURCES

A review of the 26 news reports shows that the most frequently quoted news sources were Chad Smith, principal chief of the Cherokee Nation; Mike Miller, a spokesman for the Cherokee tribe; Marilyn Vann, president of the Descendants of Freedmen of the Five Civilized Tribes, and Jon Velie, attorney for the Freedmen group. Both sides received equal play. Either Smith or Miller was cited in 74% of the reports (Smith in 69% of the reports, Miller in 54%, with 27% of the articles citing both sources). On the other side, Vann was cited in 73% of the reports; her group's attorney was cited in 15% of the reports, all of those in the same articles quoting Vann.

However, they didn't necessarily receive equal billing. One of the issues associated with framing theory is the relative news value of pro versus con sources; that is, supporters of an issue as compared with opponents. Does the telling of the story focus on the antagonist, the protagonist, or both? If the latter, to what balance? A parallel issue in framing theory is the observation that the one who defines the frame by telling the story first often sets the tone to which other voices are set in opposition.

In the Cherokee-Freedmen story, the Cherokee chief or his spokesman was cited first in only three of 18 articles quoted both sides (17% of the stories quoting sources; 12% of all the reports). However, the leader of the Freedmen association protesting the amendment was cited first in 15 of the 18 articles citing both sides (83% of the stories quoting sources; 58% of all the reports). Thus by five to one, the "out" voice spoke before the "in" voice; the Freedmen viewpoint was presented before the Cherokee government's position.

Additionally, 11 articles (42% of all the reports) cited a Freedman descendant, generally in the context of personalizing the situation, particularly the person's need for medical and other services. Six articles (23%) cited supportive members of the Cherokee Nation and four articles (15%) cited a single dissenting Cherokee.

A report by Agence France Press quoted only the Cherokee tribal council member who opposed the amendment, which quote attributed to an article in The New York Times. The Times itself had cited four additional sources, including the tribal spokesman, the president and attorney for the Freedmen group, and another member of the tribal council who supported the amendment.

RACIAL THEME

The issue of racism loomed large in some reporting. Eighteen articles (69%) specifically used the word "racism," two-third of those in the lead or opening paragraphs.

Local television KOTV gave perspective in its opening statement: "The Freedmen believe it's racism, and the Cherokees say it's simply a matter of blood." CNN, in its third paragraph, noted without examples that "the tribe is defending itself against accusations of racism."

A report published in both Australia and the United Kingdom hit the racism issue hard in the first paragraph: "Cherokees voted yesterday to expel descendants of black slaves they once owned, a move that has exposed the unsavoury role played by some Native Americans during the Civil War and renewed accusations of racism against the tribe." The report later said that opponents of the vote "denounced it as a racist plot to deny tribal revenue." This was the report that generated "racism" rhetoric in the headlines.

Several reports quoted a Freedman attorney charging the tribe with racism and also quoted a Cherokee spokesman defending against the racism charge.

Only three reports (12%) used the crucial words "solely" or "mostly" in explaining that people whose lineage is only from the Dawes Roll Freeman would lose their claim to citizenship, or otherwise noting that descendants of Freedmen who also are descended from persons identified at Indian on the Dawes Rolls would retain their citizenship based on that lineage.

Instead, most reports implied that the vote would rescind citizenship for all Freedmen. Two reports used a statement attributed to the Freedmen president, Marilyn Vann: "There are Freedmen who can prove they have a full-blooded Cherokee grandfather who won't be members. And there are blond people who are 1/1000th Cherokee who are members." What the reports did not address was the context that lineage and enrollment/citizenship are different issues.

RACISM & SOVEREIGNTY

Racism and sovereignty themes were similar in quantity but not in quality of placement. As noted above, the racism theme figured in 69% of the reports; 16 articles (62%) referred to self-determination. However, the racism theme was played mainly in the opening paragraphs, but less than a third of reports used the self-determination theme in the top paragraphs.

Additionally, in the 16 articles mentioning self-determination, most cited "tribal officials" or "supporters." Only four articles (15% of the research sample) cited the Cherokee principal chief. Three of those quoted his statement that "the right of self-government [is] affirmed in 23 treaties with Great Britain and the United States."

Few articles dealt directly with the concept of sovereignty. The word "sovereignty" was used by only three reports (12%), none of which defined the term. None of the reports included the important nuance – that American Indian tribal nations assert pre-existing sovereign authority based on their legal autonomy that predates the arrival of European settlers who created the U.S. government. Nor did the reports explain that the determination of citizenship is a function of that sovereignty

Most international media put the concept of self-determination in context. VOA News noted in its first paragraph that "American Indian tribes are considered sovereign

nations within the United States.” VOA was the only piece to note the juxtaposition of the racism and sovereignty themes, when it cited a Freedman spokesperson that “the 1866 treaty’s protection outweighs the tribe’s claims to sovereignty on this issue.”

Meanwhile, a piece by Agence France Presse pointed out in its final of 10 paragraphs: “Native American tribes recognized by the United States government have the right to self-determination and authority similar to US states.” AFP was the only news medium even to try to explain the significance of tribal sovereignty.

Even the sensationalized report in Australian, British and Scottish media reported that “supporters say it was a long overdue move by Cherokees to determine their own tribal makeup.”

QUESTION OF MONEY

A report for the Associated Press, also used by Associated Press Online, and a companion story by the same reporter for Associated Press Worldstream each focused on the issue of tribal medical and other benefits. In total, 12 articles (46%) focused on the issue of tribal money and benefits as a contributing factor in the strained relationship between the Cherokees and the Freedmen. Several implied that the Cherokee vote was caused by desire to eliminate Freedmen claims on tribal money, such as the Australian report that said the decision was made “to block them from claiming a slice of the tribal pie.”

SLAVERY PAST

The historical fact that the Cherokees owned African slaves was noted in 19 articles (73%). Two-thirds of those, 12 articles, reported this in the lead paragraph, five others in the second or third paragraph. Thus 89% of the reports dealing with slave ownership did so in the first three paragraphs. In addition, five articles (19% of the total sample) mentioned rather ambiguously that the Freedmen were descendants of ex-slaves adopted into the tribe.

DAWES COMMISSION

Twelve articles (46% of the sample) specifically mentioned the Treaty of 1866. Most of the reports rooted this in the context of support for the Freedmen, referring to provisions or guarantees in the treaty. The report to Australian, British and Scottish newspaper, however, noted that the tribe “was essentially forced to sign [the treaty] with the US Government after the Civil War.”

Fourteen articles (54%) mentioned the Dawes Committee – six articles (23% of the total sample) mention the Dawes Commission in passing, eight articles (31% in a negative context (“bent on breaking up Indians’ collective lands”) or as using arbitrary standards (“eyeballed and interviewed those who came before them”).

Three articles (by The Washington Post, The New York Times and the Associated Press) explained the workings and results of the commission as an underlying cause of the current controversy. The AP report identified in paragraph 3 the Dawes Commission as follows: “The commission, set up by a Congress bent on breaking up Indians’ collective lands and parceling them out to tribal citizens, drew up two rolls, one listing Cherokees by blood and the other listing freedmen, a roll of blacks regardless of whether they had Indian blood.”

NPR identified the commission as “a federal government list of Cherokees and members of four other tribes living on Indian lands around 1900. The Dawes Rolls had become the gold standard determining tribal citizenship,” not addressing the arbitrary designations that resulted from the commission.

EDITORIAL COMMENT

The New York Times has a pattern of editorializing on the subject of tribal citizenship, all of this precedent falling against the Cherokee action. In April 2002, The Times commented on another tribe in a similar situation: “The Seminole Tribe, Running from History: An ‘Afro-Indian’ Tribes Tries to Bury Its Roots.” The editorial was occasioned by the decision to drop black Seminoles from tribal membership. The editorial dug into the Seminole’s multi-racial history that, from early on, included a mix of Indians and black slaves. The newspaper’s message was clear: “Federal courts will decide whether the Seminoles’ treatment of the black brethren is legal. But the court of public opinion will find it mean-spirited and immoral.”

In September 2003, the newspaper entered the same arena with another editorial: “When Racial Discrimination Is Not Just Black and White: Race Discrimination Against Black Native Americans.” The newspaper said the tribes’ sovereignty claim “sounds suspiciously like the ‘states’ rights’ dodge raised by the South when blacks were being murdered for seeking the right to vote.” It said the government has placed limits on sovereignty and has laws guaranteeing minority rights.

After the 2007 vote, The Times editorialized in a consistent manner. It called the Cherokee vote “a moral low point in modern Cherokee history” and called on the federal government to protect the Freedmen. The newspaper again nodded to the Indian claim of self-determination, adding “but the tribal history makes clear that it is about discrimination – and that it is illegal.” The same editorial ran in The Times-owned International Herald, based in Paris.

To its journalistic credit, The Times’ editorial stance did not noticeably impact its news reporting. A lengthy article prior to the vote provided a historical perspective on the Freedmen. The first-cited news source was a pro-amendment Cherokee and former deputy tribal chief. Vann of the Freedman association was quoted, with an immediate refuting quote from Miller, the Cherokee Nation spokesman. Later quoted was the attorney for the Freedman group and a Cherokee tribal council member opposed to the amendment.

The Washington Times, meanwhile, in an editorial titled “Resurgent Racism” echoed a theme by the Freedman group that the decision would “expel Freedmen with a full-blooded Cherokee grandfather, but [permit] membership to blond people of European ancestry who are 1/1000th Cherokee.” The editorial accused a Cherokee advocate of echoing the Ku Klux Klan. It went on rail against the pending Native Hawaiian Government Reorganization Act.

A column on “Cherokee Perks” in Slate online focused on the financial aspects of the story. It pointed to free health care, other medical assistance, and scholarships. What the column didn’t say is that the “perks” are not limited to the Cherokee and that many of the benefits could be available from the federal government to anyone who can prove tribal lineage, regardless of enrollment.

BLACK MEDIA

Much of the reporting for specifically African-American audiences occurred in the context of columns and editorials. In general, these have been uniformly against the Cherokee decision. For example, a column in the Bradenton (Fla.) Herald identified money as the root of the issue, asking: "Doesn't this also have something to do with those billions of dollars the Indian nations reap from gambling?" A column in the Meadville (Kan.) Tribune lamented that the Cherokee, once "forced from their land, denied civil rights and treated as worthless dregs, unfit for life within the new society" were treating the Freedmen in the same manner. "All civilizations are prone to monumental mistakes, but such self-righteous racism and greed disguised as self-determination are traits that should be met with our disgust."

The Washington Afro American commentary in New America Media featured two black journalists who are linked to the Freedmen. They had initiated an e-mail discussion within the National Association of Black Journalists. The column writer advised them to join the Native American Journalists Association as well.

AMERICAN INDIAN MEDIA

The American Indian press had its own takes on the issue, more than one. The Native American Times report drew heavily on the Associated Press report.

Indian Country Today also used the AP report as its principal news story about the vote, but that story was posted online several days after initial coverage that included a 950-word commentary by Chad Smith, principal chief of the Cherokee Nation, and an even-longer counter-column by Sheryl Lightfoot, chair of the American Indian Policy Center at St. Paul, Minn. An ICT editorial applauded the lack of federal interference, respecting Cherokee sovereignty, but it criticized the timing of the vote, which drew down media attention focused on the anniversary of the "Bloody Sunday" events in Selma, Ala.

CONCLUSION

What do we learn from this analysis? Interpretation, like beauty, is in the eye of the beholder, but a few common threads can be observed.

- In general, the Cherokee-Freedmen story was reported as a classic clash between oppressor and victim. Missing were nu-

ance, historical perspective, and a context within which to understand the contemporary significance of the story.

- Spokespeople on both sides of the issue had their say in the news reporting, and but opponents of the amendment (Freedmen president Marilyn Vann and attorney Jon Velie) generally were quoted before Cherokee officials (Principal Chief Chad Smith and spokesman Mike Miller).
- Both issues of racism and self-determination were discussed, but the racism theme figured more prominently (that is, sooner) in the story than the self-determination theme.
- Few reports gave details or context to the vote itself, either the voting numbers or the voter turnout.
- Nearly two-third of the reports raised the money/benefits issue, generally without supporting information, as a factor motivating the vote.
- Most of the articles highlighted the slave-owning history of the Cherokees, but few explained the incorporation of former slaves into the tribe, the incorporation of other people's former slaves, or the confusion created by the Dawes Commission.
- Overall, this is another instance of mainstream media failing to understand the complexity of an issue involving American Indians and their oversimplification of a complex situation.

AMERICAN INDIAN POLICY & MEDIA INITIATIVE

The American Indian Policy and Media Initiative is a grant-funded academic and professional project of the Communication Department of Buffalo State College. Its mission is to provide an independent, academic and dignified venue to address the intersection of (1) the concerns and journalistic practices of mainstream media, and (2) a range of public policy issues affecting American Indians, such as taxation, sovereignty, local/state/federal jurisdiction, gaming, repatriation, archaeology, cultural policy and related matters.

This research report has confined itself to an objective analysis of how the reporting was done. It will leave it to others to draw conclusions on possible reasons for the manner of reporting and for the consequences of that reporting. This is the Initiative's contribution to the growing body of research that seeks to shed light on the relationship between policy and media, and on the interplay between mainstream media and American Indian entities.